

March 17, 2011

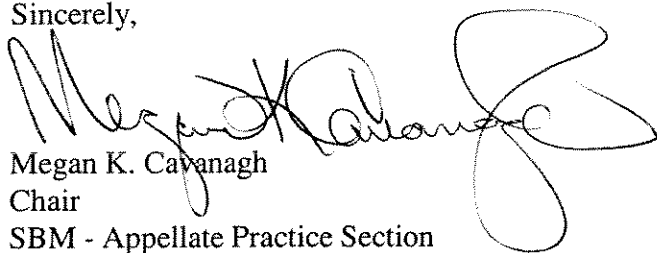
Mr. Corbin R. Davis
Clerk of the Court
Michigan Supreme Court
Michigan Hall of Justice
925 W. Ottawa, P.O. Box 30052
Lansing, MI 48909

Re: ADM 2008-28

Dear Mr. Davis:

The State Bar of Michigan Appellate Practice Section Council thanks the Court for the opportunity to comment on Administrative File No. 2008-28. Upon reviewing the proposed amendments of MCR 6.005 set forth ADM File No. 2008-28, the Appellate Practice Section has voted in favor of supporting the proposed amendment.

Sincerely,



Megan K. Cavanagh
Chair
SBM - Appellate Practice Section



APPELLATE PRACTICE SECTION
Respectfully submits the following position on:

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ADMN File No. 2008-28

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The Appellate Practice Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest.

The position expressed is that of the Appellate Practice Section only and is not the position of the State Bar of Michigan.

To date, the State Bar's does not have a position on this matter.

The total membership of the Appellate Practice Section is 667.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 23. The number who voted in favor to this position was 19. The number who voted proposed to this position was 0.

Report on Public Policy Position

Name of section:

Appellate Practice Section

Contact person:

Megan Cavanagh

E-mail:

mcavanagh@garanluow.com

Proposed Court Rule or Administrative Order Number:

2008-28 Proposed Amendment of Rule 6.005 of the Michigan Court Rules

The proposed amendment would revise MCR 6.005(H) to clarify that appointed defense counsel in a criminal proceeding either must file a substantive response to a prosecutor's application for interlocutory appeal or notify the Court of Appeals that the lawyer intends not to submit a pleading.

Date position was adopted:

January 21, 2011

Process used to take the ideological position:

Position adopted after discussion and vote at a scheduled meeting

Number of members in the decision-making body:

23

Number who voted in favor and opposed to the position:

19 Voted for position

0 Voted against position

0 Abstained from vote

4 Did not vote

Position:

Support

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.

<http://courts.michigan.gov/supremecourt/Resources/Administrative/2008-28-12-21-10.pdf>